

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Confirmation No.: 9512

Nabil HANNA et al.

Group Art Unit: 1643

Application No.: 09/612,914

Examiner: Christopher H. Yaen

Filed: July 10, 2000

Title: RECOMBINANT ANTI-CD4 ANTIBODIES FOR HUMAN THERAPY

**DECLARATION OF BIOLOGICAL DEPOSIT
IN COMPLIANCE WITH THE BUDAPEST TREATY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Thomas A. Cawley, Jr., Ph.D., hereby state as follows:

1. I am an attorney of record for the above-identified patent application, and as such I am authorized to act on behalf of Biogen Idec, Inc., the successor of the assignee of the application.

2. Biogen Idec, Inc. is the successor of IDEC Pharmaceuticals Corporation, the assignee of the above-identified patent application as evidenced by an assignment from the inventors that was recorded in the U.S. Patent and Trademark Office on November 6, 1995, at Reel No. 007822, Frame No. 0461.

3. Escherichia coli strain XL1 Blue, Anti-CD4 in TCAE6, containing DNA encoding anti-CD4 antibody CE9.1 in expression vector TCAE6, was deposited with the American Type Culture Collection (ATCC) on July 9, 1992, and assigned ATCC accession number 69030. The ATCC is currently located at 10801 University Boulevard, Manassas, VA, 20110-2209.

4. The ATCC is a depository in accordance with the Budapest Treaty for the above-identified deposited culture. Should the cells mutate, become non-viable, non-

functional, or be inadvertently destroyed, the assignee will replace such cells for at least thirty years from the date of the original deposit, or for at least five years from the date of the most recent request for release of a sample, or for the enforceable life of any patent issued on the above-identified application, whichever period is longest.

5. The deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if an enforceable patent is granted whereby all restrictions to the availability to the public of the cells so deposited will be irrevocably removed upon the granting of the patent, and (b) access to the deposited cells will be available during pendency of the patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under applicable statutes and regulations.

6. All statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

/thomas a cawley, jr./

Date: January 23, 2008

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